

**DRAFT PLANNING BOARD MEETING MINUTES
TUESDAY, OCTOBER 17, 2006**

MEMBERS PRESENT: Jay Cruz, Chair
Paula Caron, Vice-Chair
Yvette Cooks (associate member)
John DiPasquale
Paul Fontaine, Jr.
Linda Nicholopoulos
Nancy Maynard

MEMBERS ABSENT: Mike Hurley

PLANNING OFFICE: David Streb, Mike O'Hara

Call to Order

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

Request for postponement to November meeting received from Bay Communications. Board agreed to postpone hearing to Nov. 21.

City Solicitor's answer to Benjamin Builders arguments received.

Request received for modification of detention basin "C" in the Benjamin Builders subdivision. Will seek advice from City Solicitor on how to handle.

Petition on Legislative Affairs agenda on subdivision bonds and road plowing. (*Note - this meeting later cancelled.*) Ms. Caron asked how we can enforce plowing and rubbish collection by the developer if not through the bond. David Streb said that the developer is responsible for plowing and rubbish collection as a standard condition. He had discussion with City Solicitor about petition -- City may lack the statutory authority to do this.

FYI to Board on letter to Bob Donell regarding expiration of the Special Permit for Greenland Farms PUD on Old Princeton Road due to lapse of time.

Re: No. 1 Mill Warehouse Special Permit LLC on Old Princeton Road, architectural plans required by Special Permit condition were reviewed and approved by the Board.

Letter from Linda Nicholopolous regarding her resignation from Board. This will be her last meeting. She expressed her appreciation to Board members for their help during her time on the Board.

Meeting Minutes

Minutes of September 26th meeting were approved as amended, and passed unanimously. The Board requested that members eligible to vote be listed before each project, and the Board's action (approved, continued, etc.) be listed.

ANR plans

The Board reviewed and endorsed the following "ANR" plan:

Old South Development Trust, Montesion Lane

Adjust property lines of Lots 12B, 13B & 14B because of foundation a bit too close to side property line.

MINOR SITE PLAN REVIEW

53 Middle St., Flea Market (former DeCaria's Market)

Voting members present: Cruz, Caron, DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: approved.

Applicant Gail Majors & property owner Joe DeCaria present. Ms. Majors proposing a thrift shop. Board of Appeals had granted Special Permit for the use. Building Commissioner referred them to site plan

review. Motion made & seconded to approve site plan with the condition that there be no outside display of goods.

280 Lunenburg St., Dry Cleaners

Voting members present: Cruz, Caron, DiPasquale, Fontaine, Nicholopoulos, Maynard

No one present for this item.

Action: Continued to November 21st meeting.

65 Airport Road – name of Building Trade Shop

Voting members present: Cruz, Caron, DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: approved.

Bernard Goba, Architect and representative of person from Sunrise Partition Systems -- a gypsum wallboard partition company. There will only be employees coming and going. Not open to the public. Two handicapped toilets will be provided and one handicapped parking space -- a total of six spaces. There will be no storage outside. They are requesting a 15 yard dumpster on site. They will put a fence around it. Hours will be 7:00 a.m. to 5:00 p.m. There will be no problem with deliveries as they will occur during the day only.

A discussion was held regarding vehicles remaining overnight.

Motion made & seconded to approve site plan was approved with conditions:

- No outside storage
- Screened dumpster to rear (west) side of property adjacent to residences on Sheridan St.
- Deliveries only during operating hours
- Parking spaces to be striped

PUBLIC HEARINGS

Special Permit renewal - Bay Communications, wireless communications tower, 609 Wanoosnoc Rd. (*continued from 11/21/06*)

Letter received from Atty. Pare, representing applicant. Postponed to the November 21 meeting at the request of the applicant.

(Yvette Cooks left meeting for following item.)

Proposed Zoning Ordinance amendment - increase “infill” lot size from 5,000 to 7,500 sq. ft.

Voting members present: Cruz, Caron, DiPasquale, Fontaine, Jr., Nicholopoulos, Maynard

Action: recommended against

Hearing opened. Mr. Cruz asked if there was any comment from City Councilors present.

Councilor Hay – 7,500 sq. ft. and a lot that used to have a building. However he understands that it may be difficult to tell if it had a house on it at some time in the past. He also would like to not allow a property owner to subdivide out an infill lot from an existing parcel. Maybe could make special provision for non-profit organizations, as long as priority given to Fitchburg residents.

Mr. DiPasquale: part of the problem is setbacks to existing houses.

Ms. Maynard would like to make it clear cut in the Zoning Ordinance that you can't subdivide property to create an infill lot.

Councilor Donnelly – Said he had submitted a similar petition for infill lots in Residence B district a couple years ago. He stated that Residential C is much more densely populated typically. He says it's better to have the opportunity to be flexible. He doesn't agree with Councilor Hay that any certain group should get special treatment.

Ralph Romano – suggested adopting a floor area ratio or a maximum lot coverage. That may address a lot of the problems. Sometimes the proposed house is just too big for the lot.

Atty. Watts stated that a lot of 5,000 sq. ft. not in common ownership with abutting property is grandfathered for one or two-family dwellings, per state law. He suggested that language regarding a grandfathered lot be added to the infill lot section, and submitted proposed language to the Board.

Ron Dionne said that he wants to know how he could rebuild if his house burnt down, because he's on a substandard lot. He was told yes, can rebuild by right within two years.

Megan Foley, Habitat for Humanity showed a picture of the family & dwelling at the Walnut Street infill lot Habitat built. This would not be possible in future if infill lot size increases to 7,500 sq. ft. She urged the Board not to make similar projects impossible to do.

Laila Michaud, Director of MRPC, described their plans for the First Street project. They'd like to split off two lots, each with 5,000 sq. ft. and build two houses, and deed the balance to the City of Fitchburg. This would provide space for parking to use the future CSX Rail Trail. She recommended keeping it at 5,000 sq. ft.

Ms. Caron: Board should deal with issue of lot assimilation as well as lot split. Perhaps should look at minimum setbacks to adjacent dwellings.

Mr. Fontaine said he thought it was important to retain the 5,000 sq. ft. It gives the Board flexibility.

David Streb said he'd be concerned about adding language stating there could be no division of property to make infill lot. This could be construed to prevent resubdividing (moving property line) which would take away flexibility for projects like Myrtle and Highland St. (lots abutting back-to-back that where the property line was adjusted) and Bruce/Willard Street.

Mark Dohan, Twin Cities CDC wished to echo comments regarding flexibility so infill neighborhood can be developed.

Ron Dionne said to keep the flexibility.

Ms. Nicholopoulos feels that she understand where Nancy is coming from.

Ms. Maynard: really thinks it should be in writing that you can't break off an infill lot.

Mr. DiPasquale feels we're doing a good job at what they are doing and we should keep it the same.

Mr. Fontaine moved to recommend to City Council to keep the infill lot section as it is. Mr. DiPasquale seconded. Vote 6-0 in favor.

The Board was informed that the hearing by Council on the infill amendment is scheduled for November 9.

Special Permit - McSweeney, Oakland St., two 3-family dwellings (NEW APPLICATION)

Version #3

Voting members present: Cruz, Caron, Cooks (assoc. member) DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: continued

Hearing opened at 7:30 p.m.

They are now proposing a PUD with five single-family homes with 10,000 sq. ft. open space. Two houses on Linwood Street and three on Oakland Street. Sewerage will be pumped with E-1 pumps.

There's no existing pavement on Linwood. They'll improve to 18' wide from Lunenburg Street to the end.

Mike O'Hara stated that if special permit for current proposal was approved, it would need to be subject to submittal & approval of full site plan showing all details. Applicant should show how this proposal fits into criteria of PUD.

Ms. Cooks thought that the Board should have a more detailed site plan before making a decision.

Ms. Caron asked if they could subdivide property into separate lots.

Nancy Paajanen, representing mother Mrs. Heikkila at 36 Oakland St. -- It was her understanding that the sewage will be pumped out to Linwood. She doesn't want anything to be pumped into Oakland Street sewers. If sewage gets into her home it won't be worth anything. Is it possible for development to tie into public sewer via gravity? That should be looked into.

Mr. McSweeney answered that with input from Engineering, they decided to go with E-1 pumps.

Winslow Paajanen: It's a reverse pitch. If they pump, sewage will get into their cellar. Who is responsible if sewer backs up?

Greg LeBlanc, 5 Linwood St. -- owns the 2-family. If there are going to be two more houses, Linwood Street should be made a public way. There's no trash pickup, no snow plowing currently. It's 150 feet from the proposed dwellings on Linwood Street to Lunenburg Street. Fencing, landscaping, deeded parking promised to Mr. LeBlanc by McSweeney.

Ms. Paajanen asked if deficiencies at 36 Oakland can be looked into. Also do a historic record search for sewer problems at 36 Oakland Street.

Discussion on condition of sewer manhole on LeBlanc property.

Ms. Caron asked if you can do gravity to Linwood, why do E-1 pumps to Oakland?

Ron Dionne -- his son lives there and knows that the line is at least 100 years old.

Why can't they do gravity to Linwood?

A question arose about the condition of the sewer line. A suggestion would be to require outside engineering consultant to review the sewer lines at expense of applicant.

Items to investigate:

- What is condition of sewer in Oakland St.?
- Camera pipe
- Will there be problem if E-1 pumps tie into Oakland Street sewer?
- Check out sewer connection at 36 Oakland -- is there something wrong?
- What is viability of sewer connection via Linwood St. ?

David Streb agreed to discuss with engineers and get a price, and get review fee from developer.

Discussion about whether to close hearing and make decision. A decision would be conditional on addressing any problems raised in the review.

Motion made & seconded to continue hearing to November 21, 2006.

{NOTE: McSweeney asked on 10-20-06 to continue to December 19th meeting, since his engineer won't be ready by November. mo'h}

Site Plan Review - Panagiotis, commercial building 36 Ashby State Rd. (postponed from 9-26-06)

Voting members present: Cruz, Caron, Cooks (assoc. member) DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: Approved

Ralph Romano informed the Board that MS Transportation recommended the new driveway design to avoid conflicts with nearby roundabout intersection design. Said the queue length for drive through is 7-8 cars. Says parking is adequate. There is a proposed patio in front of the building that may be used as parking in future, but they don't want to stripe it now. It will be flush concrete, maybe with planters. Brick stucco exterior – aged copper roof. A 2 to 4 foot wide infiltration trench will separate the site from two abutting residential properties.

Andrea Maillet, 547 Rindge Rd. – How high will the building be?

Answer: One floor, steeple is for show only.

She was also very concerned about the drive through. How do we know the four businesses will stay businesses? Board responded that change of uses would need approval of Board.

Extensive discussion about the drive through window and queue length. Board review in one year following the opening of the businesses was proposed.

Mr. Fontaine – what will be exterior signage?

Answer: one large exterior sign and one small drive through sign. Also, signs on buildings.

Ralph Romano described how the trench would intercept run-off to abutting property. They will do granite curbing along Rindge and Ashby State Road.

Motion made & seconded to approve site plan subject to the following conditions:

- Trash pick-up only during work hours.
- Fence and vegetated landscape (including trees) along northern property line
- Screened dumpsters
- Subject to Planning Board review of traffic situation at drive-thru window after one year of operation (one year from date of occupancy permit)
- Provide granite curbing along public ways (Rindge Road & Rt. 31)
- Building facade is to be similar to architectural renderings as provided, with brick/stucco exterior.
- Landscaping and signage to be in conformance with site plan as provided

Vote unanimous to approve site plan.

Minor revisions to two Special Permits

Building footprint at 9 Congress Place & modifications to Oak Ridge condominiums were reviewed and approved by Board.

Motion made & seconded to give Office of the Planning Coordinator the authority to review and approve minor modifications to approved Site Plans and Special Permits without bringing them to the Board. Vote unanimous to approve. Staff promised to notify the Planning Board when these minor modifications are approved. If Planning Office determines that it is not a minor modification, it will need to be reviewed by the full Planning Board.

Site Plan Review & Special Permit - Longview Corporate Center, 80 Erdman Way, parking expansion (postponed from 9-26-06)

Voting members present: Cruz, Caron, Cooks (assoc. member) DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: Approved.

Chris Deloge presented. Tim Norton indicated that they need 158 spaces per Fitchburg regulations and 180 spaces per Leominster regulations (City line cuts across the site.) They'd like to take a look at developing the parking lot across the street.

They are requesting reduction in parking dimensions through a Special Permit. Required parking dimensions in Leominster are 18' x 9' x 22' -- slightly different than those in Fitchburg.

They're getting rid of most of the landscaping in front of the building.

Tim Norton: They engaged a landscape architect and will augment the landscaping to make up for the 15,000 sq. ft. being lost. He submitted landscaping plan to the Board.

Chris Deloge: They would have no objection to put granite at the entrances.

Public hearing closed 9:38 p.m.

Motion made & seconded to approve site plan & Special Permit subject to:
Airport review of lighting scheme

- Landscaping plan
- Paving and striping lot
- Granite curbing to be provided at roundings at entrances
- Waiver to allow reduced parking dimensions to 9' x 18' x 22'

Vote: unanimous to approve.

Definitive Plan - Bingham - one-lot subdivision, Fisher Rd.

Voting members present: Cruz, Caron, DiPasquale, Fontaine, Nicholopoulos, Maynard

Action: Approved

Applicants received a variance recently from the ZBA to create lot with less than 175 feet frontage. They also have applied for a "frontage waiver" under the subdivision control law, since the lot had less than the amount required by zoning.

Motion made & seconded to grant approval subject to the conditions of the ZBA Variance.

Vote unanimous to approve.

Special Permit - Edgewater Construction – infill lots (3)

- 162 High Street
- 0 Nutting St.
- 58 Simonds (corner Simonds & Nutting)

Atty. Watts said his client wished to withdraw without prejudice the Special Permit application for the lot at 0 Nutting St. (map 10-48-0) Motion made & seconded to accept withdrawal without prejudice.

Vote unanimous.

The two other applications are on hold until outcome of pending proposed amendment to infill lot section.

OTHER BUSINESS

Modification of South Street Special Permit to add two separate detached units at rear of property.

Board approve the modification.

Board reviewed the final plans for South Street PUD that show the two detached units to the rear, off Kingsbury St. The Board voted that the modification to South Street is minor and approved it.

Matson Homes, "Parker Hill Estates", Westminster Hill Road

Atty. Watts and Chris Deloge discussed informally possible modifications to plan, based on comments by Conservation Commission. Revamped road layout, narrower width, part of one road shifted from the

center of the row. The Board has determined that this modification is not a minor one and requires a public hearing.

Brief discussion about whether to record Planning Board meetings. Having an audio or video record of meetings will enable Board to take advantage of recent amendment in state law that would allow member who missed one session of a public hearing to vote on a matter if they review the tape of the meeting they missed. The Board agreed to allow recording of meetings. Dave Streb will look into whether FATV can tape meetings.

Meeting adjourned: 10:10 p.m.

Next meeting: November 21, 2006

Approved: -----